

**Town and Country Planning Act 1990
Section 78 Appeal**

Local Planning Authority Statement of Case

14 Epsom Way, Wrexham, LL13 0LZ

PINS Ref: APP/H6955/A/18/3208722
LPA Ref: P/2018/0360

1 INTRODUCTION

- 1.1 This document constitutes the Local Planning Authorities Statement of Case in relation to the appeal lodged in relation to land to the side of No 14 Epsom Way.
- 1.2 Planning permission was sought to change the use of a strip of common land down the side of the property to form part of the garden area.
- 1.3 The above description was provided by the applicant and is the description referred to in the decision notice. For clarification, the land is public land and is not formally classed as common land in a legal definition.
- 1.4 The application was refused on 06th July 2018 for the following reason:-

The proposal would result in the loss of open space and therefore have an adverse impact on the existing recreational use of the space and quality of life of residents in the locality. The proposal would conflict with UDP Policies CLF4 and GDP1.

2 SITE & SURROUNDING AREA

- 2.1 The application site is located within Wrexham Settlement Limit and forms a rectangular strip of land measuring approximately 30m (depth) x 3m (width) running along the southern boundary of No 14 Epsom Way.
- 2.2 The land in question is public land that has not been formally adopted to date.
- 2.3 The land is currently laid to grass and is separated from the applicants' curtilage by close board fencing.
- 2.4 There are mature trees at the western end of the site.

3 PLANNING POLICY

- 3.1 Wrexham Unitary Development Plan 1996 - 2011 is the local plan in force in the area.
- 3.2 The relevant policies to which this appeal relates are GDP1 and CLF4.
- 3.3 Details of the policies were submitted with the appeal questionnaire and related documents.
- 3.4 It should be noted, reference is made to UDP Policy EC4 in the officer report under the heading 'DEVELOPMENT PLAN'. This is an error and reference should be made to CLF4.

4 CASE FOR THE LOCAL PLANNING AUTHORITY

- 4.1 The strip of land in question is public land that has not been formally adopted to date.
- 4.2 The applicant seeks planning permission to change the use of this piece of land to residential curtilage, with the intention of providing increased parking provision for the property.
- 4.3 There is currently parking space for up to 3 no. vehicles at the front of the property, however the applicant has verbally advised that additional space is required for a further larger vehicle.
- 4.4 Whilst the land in question has not been adopted, it could still be adopted and the change of use of this piece of land would result in a loss of useable public open space, resulting in the potential to adversely impact the quality of life of residents in the locality.
- 4.5 Any hardstanding which would be laid down to provide the required surface treatment to facilitate the parking provision would have the effect of changing the character and appearance of the area, given the loss of the grassed area.
- 4.6 The proposal would not relate well to the site as a whole particularly when viewed in relation to the property adjacent to No 14 (No 19). The proposal would appear as a discordant feature which would extend further beyond the defined residential curtilage of the property and would not sit in line with the curtilage to No 19.
- 4.7 The proposal, whilst viewed on its own merits, is considered may give rise to setting a precedent in allowing further similar schemes on this residential development, as well as other developments. This would result in the cumulative loss of public land and/or open space and would subsequently have the potential to adversely impact on the amount of public open space therefore available in an area.
- 4.8 The amount of public open space was provided in relation to the residential development in question and considered to be appropriate and acceptable at the time, in relation to the amount of dwellings proposed.
- 4.9 Its loss would therefore compromise the amount of open space which would have been accepted at application stage of the residential development in question, and this remains the case.

5 CONCLUSION

- 5.1 The Local Planning Authority respectfully request that the appeal is dismissed on the basis of the above. However if the Inspector is minded to allow the appeal, a list of conditions which the Local Planning Authority deem appropriate to attach to a decision notice is set out below.

6 SUGGESTED CONDITIONS

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

Reason: To comply with Section 91(3) of the Town and Country Planning Act 1990.

2. The development shall only be carried out in strict accordance with the full details shown on the approved drawing(s) referenced 1:500 Block Plan received on 20th June 2018.

Reason: To define the scope of the planning permission.

3. Prior to commencement of development, full details of the hard landscaping and surfacing, together with a plan indicating the positions, design and materials and type of boundary treatment and timescale for implementation of the works shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

4. The landscaping scheme submitted and approved in connection with condition no. 3 shall be fully implemented in all respect within the agreed timescale and in strict accordance with the approved scheme.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

5. No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:

- a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
- b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
- c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
- d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
- e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;

- f) Method for protecting retained trees during demolition works;
- g) Details of all proposed tree works, including felling and pruning.

Reason: To ensure the work is carried out to accepted arboricultural practices for the long term well-being of the tree(s).